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July 22, 2020

Via ECF  
Hon. Nelson S. Román  
United States District Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601

Re: *Waterkeeper Alliance, Inc. v. Spirit of Utah Wilderness, Inc.*, 10 CV 1136 (NSR-LMS)  
REQUEST FOR EXTENSION OF TIME TO SURRENDER,  
OR PURGE CIVIL CONTEMPT, AND RELIEF FROM PRIOR ORDERS

Your Honor:

By ECF document 189 filed 06/22/2020, Your Honor extended Jeffrey Salt's date to surrender to the U.S. Marshalls for the Southern District of New York, located at 300 Quarropas Street, White Plains, N.Y., until July 31, 2020 by 2 p.m. to be incarcerated until such time as he purges Defendant SUW and himself of the contempt.

My client, **Jeffrey Salt**, requests an extension of the surrender/purge date currently scheduled for July 31, 2020 **to a date on or after September 29, 2020**. Mr. Salt, a non-party to the underlying case, is currently present in the State of Utah. Utah is among the states with increased rates of COVID-19 transmission and is covered by Governor Cuomo's travel advisory, which requires a mandatory 14-day quarantine upon arrival of residents (of covered states) in New York.

In response to increased rates of COVID-19 transmission in certain states within the United States, and to protect New York's successful containment of COVID-19, the State has joined with New Jersey and Connecticut in jointly issuing a travel advisory for anyone returning from travel to states that have a significant degree of community-wide spread of COVID-19.<sup>1</sup>

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<sup>1</sup> <https://coronavirus.health.ny.gov/covid-19-travel-advisory>. "Based upon Governor Cuomo's Executive Order 205, issued June 25, 2020, the following states meet the criteria for required quarantine: Alaska, Alabama, Arkansas, Arizona, California, Delaware, Florida, Georgia, Iowa, Idaho, Indiana, Kansas, Louisiana, Maryland, Missouri, Mississippi, Montana, North Carolina, North Dakota, Nebraska, New Mexico, Nevada, Ohio, Oklahoma, South Carolina, Tennessee, Texas, **Utah**, Virginia, Washington, Wisconsin. This is based upon a seven day rolling average, of positive tests in excess of 10%, or number of positive cases exceeding 10 per 100,000 residents."

Given the COVID-19 pandemic and the significant COVID-19 issues extant in the State of Utah, which could pose a risk of infection to residents of New York, including the Federal Marshalls, New York inmates, correction officers and others, including Salt, Salt requests a 60-day extension of the surrender/purge date to a date on or after September 29, 2020.

Moreover, pursuant to Rule 60 of the Federal Rules of Civil Procedure, Salt requests relief from the Court's prior default and contempt orders, until such time as: (i) this Court decides his outstanding Rule 59(e) motion (ECF 176)<sup>2</sup>, (ii) the Second Circuit lifts the stay of Salt's appeal of this Court's contempt order (ECF 186), and (iii) the COVID-19 risk of cross-country travel (and imprisonment) to Salt is decreased and brought under control.

This application should be granted in the interest of justice and to ensure my client's rights to due process. An adjournment of the July 31, 2020 purge/surrender date makes sense given the ongoing COVID-19 pandemic which makes travel from Utah to New York risky, and could unnecessarily expose Salt, a 61-year-old man, to the virus<sup>3</sup>.

Respectfully submitted,



Daniel A. Hochheiser

Cc: all counsel via ECF

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<sup>2</sup> In the event this Court grants the outstanding Rule 59(e) motion, this Court would necessarily be required to vacate the prior default and contempt orders (ECF 100, 135, 160, 171, 183, 187, 189) concerning Salt.

<sup>3</sup> On March 17, 2020, Salt was treated at the Emergency Department of St. Mark's Hospital in Salt Lake City, UT for cough, shortness of breath, and fever; he was diagnosed with influenza-like symptoms.